

JUN 26 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALBERT D. PARRIS,

Defendant - Appellant.

No. 02-30345

D.C. No. CR-98-02131-EFS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Edward F. Shea, District Judge, Presiding

Argued and Submitted June 4, 2003
Seattle, Washington

Before: B. FLETCHER, BRUNETTI, and McKEOWN, Circuit Judges.

Appellant Albert Parris (“Parris”) appeals after a jury convicted him of nine counts of violating 18 U.S.C. § 656 (Theft, embezzlement, or misapplication by bank officer or employee). For the following reasons, we affirm his convictions.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

First, Parris challenges the sufficiency of the evidence on Counts Two, Five, and Eleven. Parris failed to raise his objection below, so we review for plain error. *United States v. Romero*, 282 F.3d 683, 686 (9th Cir. 2002). The record reflects sufficient evidence for a jury to convict Parris of all three counts, and we affirm.

Next, Parris claims that ten exhibits were erroneously admitted into evidence under Federal Rules of Evidence 803(6), the business record exception to the hearsay rule. The exhibits were prepared by a bank employee to balance the teller's in-and-out cash tally. As such, they are business records and admissible -- their trustworthiness goes to their weight. A district court has "wide discretion" to decide whether a business record is sufficiently trustworthy. *United States v. Scholl*, 166 F.3d 964, 978 (9th Cir. 1999). Although Parris properly preserved his objections to these exhibits, we hold that the district court did not abuse its discretion when it admitted the ten exhibits into evidence. *See United States v. Nguyen*, 284 F.3d 1086, 1089 (9th Cir. 2002).

AFFIRMED.